

TEXT OF PROPOSED REGULATIONS

For these amendments, added text is indicated in bold with double underline (e.g., **inmate**) and deleted text is indicated in bold with double strike through (e.g., ~~**inmate**~~). Text in its original format is indicated by single underline.

Section 3371.1 is adopted to read:

3371.1. Computation of Time and Preprison Credit.

Subdivisions 3371.1(a) through 3371.1(g) are unchanged.

Subdivisions 3371.1(h) is adopted to read:

(h) An inmate who has been convicted of a felony, and sentenced under Penal Code Section 667(b) through (i), or Penal Code Section 1170.12, with one or more prior felony convictions, as defined in Penal Code Section 667.5(c) and/or 1192.7(c), shall not be awarded behavior and/or work credits in an amount that exceeds one-fifth of the total term of imprisonment imposed. The limitation on the inmate's credit accrual shall commence on the ~~original~~ received date, as defined in section 3000~~, even if the inmate is subsequently resentenced in connection with the same felony conviction~~the inmate's sentence has been modified as the result of a stricken prior felony conviction under Penal Code Section 1385. ~~There will be a maximum credit accrual rate of 20% so long as the trial court continues to use at least one prior felony conviction, as defined in PC Section 667.5(c) and/or 1192.7(c), for the purposes of determining the term of imprisonment upon resentencing.~~

NOTE: Authority cited: Section 5058 and 2930-2935 et seq., Penal Code. Reference: Sections 667, 667.5, 1168, 1170, 1170.12, 1192.7, 1203, 2900.1, 2900.5 and 5054, Penal Code; Section 1782, Welfare and Institutions Code; and *People v. Caceres* (1997) 52 Cal. App. 4th 106, 60 Cal. Rptr. 2d 415, ~~*People v. Hill* (1995) 37 Cal. App. 4th 220, 44 Cal. Rptr. 2d 11, and *People v. Buchalter* (2001) 26 Cal. 4th 994A, 108 Cal. Rptr. 2d 625, and *People v. Superior Court (Romero)* (1996) 13 Cal. 4th 497, 53 Cal. Rptr. 2d 789.~~